

MINUTES OF THE MEETING  
OF THE CITY COUNCIL OF THE  
CITY OF BURLINGTON  
September 4, 2007  
7:30 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on September 4, 2007, at 7:30 p.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Jones, Huffman, Starling and Wall

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

INVOCATION: Councilmember Don Starling

RECOGNITION: Former Board of Adjustment Members - Margaret Stephens and Mary Watson

CITY MANAGER HAROLD OWEN INTRODUCED THE NEW PUBLIC INFORMATION OFFICER - JOHN NIXON

MINUTES

Mayor Ross called for approval of the City Council minutes of the meeting of August 21, 2007.

Upon motion by Councilmember Starling, seconded by Councilmember Wall, it was resolved unanimously to approve the minutes of the meeting held on August 21, 2007.

CONSENT AGENDA:

Item 1:

- A) To approve Section Eight of the Elon Fire-Rescue agreement for a recalculation of compensation based on property value each year. The figure for the 2007-08 contract year is \$18,611.71.
- B) To set a date of public hearing for September 18, 2007, to accept citizens' comments on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Program for program year 2006-2007.
- C) To authorize investment accounts at Randolph Bank, BB&T and MidCarolina Bank and to authorize the City Clerk to attest the resolution.
- D) To temporarily close Main Street from Fifth Street to Sixth Street on September 14, 2007, from 10:00 a.m. to 10:45 a.m. for PIP Printing ribbon cutting ceremony.
- E) To adopt a resolution designating the Assistant Chief of Operations and the Assistant Chief of Support of the Burlington Police Department to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications.

07-24

RESOLUTION BY THE CITY OF BURLINGTON, COUNTY OF ALAMANCE, REGARDING DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Burlington, County of Alamance, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f).

BE IT THEREFORE RESOLVED that Assistant Chief of Operations and Assistant Chief of Support are hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Burlington, County of Alamance, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Burlington, County of Alamance, should be mailed or delivered to the official designated above at the following address:

Mailing address: PO Box 1358, Burlington, NC 27216-1358  
Office location: 1358 West Front Street  
City: Burlington, NC  
Zip: 27215 Phone # (336) 229-3540

This the 4<sup>th</sup> day of September 2007.

- F) To approve a final plat of the Habitat for Humanity of Alamance County, NC, Subdivision. The property is located on the east side of Rauhut Street, south side of Key Street and north side of Dudley Street as shown on plans by Alley, Williams, Carmen and King, Inc., dated July 17, 2007, and containing five lots.
- G) To approve a final plat of the Kirkpatrick Associates Subdivision. The property is located on the southwest corner of University Drive and Huffman Mill Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated August 10, 2007, and containing three lots.
- H) To approve a final plat for the sanitary sewer dedication/abandonment and right-of-way dedication for The Shoppes at Waterford Subdivision. The property is located on the southwest corner of South Church Street and University Drive as shown on plans by The John R. McAdams Company, Inc., dated August 10, 2007, and containing two lots.
- I) To approve a final plat of the Murphy Oil USA Subdivision. The property is located on the southeast corner of North Mebane Street and South Graham-Hopedale Road as shown on plans by Young Hobbs and Associates dated July 2, 2007, and containing two lots.
- J) Budget Amendment 2008-09 - Donation from Red Robin Restaurant for Fire Department - Smoke Alarms

BA2008-09

Increase Revenues:

010-33303-5340 Contributions - Fire \$3,213

Increase Expenditures:

010-53534-3300 Departmental Supplies \$3,213

K) Budget Amendment 2008-10 - Amend Medicare Park D Outreach Grant Project - Senior Center

MEDICARE PART D SENIOR OUTREACH GRANT PROJECT ORDINANCE

BA2008-10

(Originally set up by BA2006-05 & amended previously  
by BA2007-08)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2,  
Chapter 159, of the General Statutes of North Carolina, the  
following Project Ordinance is hereby adopted:

Sec. 1. The project authorized is the Medicare Part D Senior Outreach Grant Project to assist in the education of senior care enrollees in the City of Burlington, North Carolina.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the grant contract.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

528-33100-0000 State Grant - DHHS	\$20,000
(#RHLTH 5449080405)	
528-33101-0000 State Grant - DOI (2007)	3,100
528-33101-0000 State Grant - DOI (2008)	5,000
	<u>\$28,100</u>

Sec. 4. The following amounts are appropriated for the project:

528-50000-1100 Telephone	\$ 650
528-50000-1411 Travel	700

528-50000-1404 Training Supplies	650
528-50000-3300 Departmental Supplies	3,100
528-50000-4500 Contracted Services	18,000
528-51000-0400 Personnel Svcs/PT	1,404
528-51000-0500 FICA	108
528-51000-1400 Travel	80
528-51000-2600 Advertising	492
528-51000-3300 Departmental Supplies	<u>2,916</u>
	28,100

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

L) Budget Amendment 2008-11 - Police - Amend Gang Investigator Grant Project Ordinance

BA2008-11

Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$47,962
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Increase Expenditures:

013-52520-2100	Building/Equipment Rentals	\$11,000
013-52520-3300	Departmental Supplies	4,000
013-52520-7300	Capital - Other Improvements	8,765
013-52520-9100	Operating Transfers Out	24,197

AMEND GANG INVESTIGATOR GRANT PROJECT ORDINANCE

(GOVERNORS' CRIME COMMISSION)

BA2008-11 (originally established with  
BA2007-01)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159, of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted:

Sec. 1. The project authorized is the Gang Investigator Grant Project Ordinance to assist in the determination of, education against, and prevention of gang activity in the City of Burlington, North Carolina;

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms stated in the grant contract.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

524-33100-0000 State Grant-Reimbursement	\$79,872
524-33100-0001 State Grant-Reimbursement	72,582
524-38390-0000 Transfers from Other Funds	57,228
524-38390-0000 Transfers from Other Funds	24,197

Sec. 4. The following amounts are appropriated for the project:

524-40000-0200 Personnel Services	\$73,540
524-40001-0200 Personnel Services	67,205
524-40000-0500 FICA	5,627
524-40001-0500 FICA	5,142
524-40000-0600 Group Insurance	11,850
524-40001-0600 Group Insurance	11,850
524-40000-0700 Retirement	3,677
524-40001-0700 Retirement	3,361
524-40000-0800 401-K	3,677
524-40001-0800 401-K	3,361
524-50000-1400 Travel	2,298
524-50001-1400 Travel	2,260
524-50000-3300 Departmental Supplies	2,576
524-50001-3300 Departmental Supplies	1,600
524-60000-7400 Equipment	33,855
524-60001-7400 Equipment	2,000

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

AMEND WEED & SEED GRANT PROJECT ORDINANCE - BA2008-11  
(originally established with BA2005-38)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159, of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted:

Sec. 1. The project authorized is the Weed & Seed Initiative for 2004 from the Department of Justice by the City of Burlington, North Carolina.

Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the terms of the Weed & Seed Grant.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

519-33100-0000 State Grant - Reimbursement	\$175,000
519-33100-0001 State Grant - Reimbursement	200,000

Sec. 4. The following amounts are appropriated for the project:

519-40000-0300 Personnel Services - O/	\$ 47,424
519-40001-0300 Personnel Services - O/	57,408
519-40000-0400 Personnel Services - P/T	22,464
519-40001-0400 Personnel Services - P/T	32,269
519-40000-0500 FICA	5,347
519-40001-0500 FICA	6,861
519-50000-1400 Travel/Training	4,800
519-50001-1400 Travel/Training	7,395
519-50000-1900 Professional Services	1,000
519-50001-1900 Professional Services	1,000
519-50000-3300 Departmental Supplies	4,973
519-50001-3300 Departmental Supplies	29,293
519-50001-4500 Contracted Services /Ins.	65,774
519-60000-7400 Equipment	1,500
Total Weed Expenditures	<u>\$287,508</u>

519-40000-0400 Personnel Services - P/T	\$ 9,661
516-50000-0500 FICA	740
516-50000-3300 Departmental Supplies	30,234
519-50000-4500 Contracted Services/Ins.	33,857
519-60000-7400 Equipment	13,000
Total Seed Expenditures	<u>\$ 87,492</u>
Total Weed & Seed Grant	<u><u>\$375,000</u></u>

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

(M) Budget Amendment 2008-12 - Fire Station #4 Generation

BA2008-12

Increase Revenues:

010-39398-0000 Appropriated Fund Balance	\$5,100
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Increase Expenditures:

010-53536-7400 Departmental Supplies	\$5,100
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Upon motion by Councilmember Starling, seconded by Councilmember Huffman, it was resolved unanimously to approve the foregoing consent agenda.

UNFINISHED BUSINESS:

ITEM 2: JOE DAVIDSON PARK CONTIGUOUS ANNEXATION

Mayor Ross announced that a public hearing had been continued to consider approval of the Joe Davidson Park annexation. (Continued from August 21, 2007, City Council meeting)

Planning Director Bob Harkrader stated that Joe Davidson Park is a City-owned property and that that the annexation would be effective September 4, 2007, at 11:59 PM.

There was no public comment.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.



Councilmember Huffman moved the adoption of the following ordinance:

07-34

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the resolution and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:30 pm on September 4, 2007, after due notice by the publication on August 24, 2007; and

WHEREAS, the City Council finds that the resolution meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of September 4, 2007, at 11:59 pm.

JOE C. DAVIDSON PARK ANNEXATION

BEGINNING at a point in Boone Station Township in the southeast corner of property owned by the City of Burlington (also known as Joe C. Davidson Park), said point being the north right-of-way line of Rural Retreat Road (N.C. SR-1300 and in the West right-of-way line of St. Mark's Church Road (N.C. SR- 1301); and proceeding along the northern right-of-way line of Rural Retreat Road, North 87 deg, 03' 59" West a distance of 1,274.63 feet to a point, said point being the southwest corner of Joe C. Davidson Park and also in the line with the property of Michael A. Taylor; thence with the line of Michael A. Taylor, North 13 deg. 00' 15" East a distance of 1687.58 feet to a point, said point being the northwest corner of Joe C. Davidson Park and also in the line with Herbert L. Whitfield; thence along the line with Herbert Whitfield, Charles Hrdlicka, Gary L. Wilson and Margaret Johnson, South 69 deg. 23' 42" East a distance of 989.79 feet to a point; thence in the line with St. Mark's Church Property, South 29 deg. 30' 02" East a distance of 135.49 feet to a point; thence with the line of Abb J.

Gentry and John T. Wagoner, South 26 deg. 06' 00" West a distance of 354.02 feet to a point; thence with the line of John T. Wagoner, South 64 deg. 06' 17" East a distance of 259.45 feet to a point in the right-of-way of St. Mark's Church Road; thence with the right-of-way of St. Mark's Church Road, South 26 deg. 06' 00" West a distance of 89.39 feet to a point; thence along a curve following the right-of-way line of St. Mark's Church Road with a radius of 1402.36 feet, an arc distance of 753.76 feet and having a chord of South 10 deg. 42' 07" West a distance of 744.72 feet to a point in the right-of-way of Rural Retreat Road, said point being the point of BEGINNING and including 39.776 acres and being as shown on "Final Plat - Subdivision of Property of City of Burlington, Joe Davidson Park Property" as prepared by the City of Burlington Engineering Department, dated March 3, 2004 and being recorded at Plat Book 68 Page 341 in the Alamance County Register of Deeds office and on "Final Plat - City of Burlington, N.C., Corporate Limits Extension, JOE DAVIDSON PARK PROPERTY" as prepared by the City of Burlington Engineering Department, dated July 23, 2007 and recorded at Plat Book \_\_\_\_\_ Page \_\_\_\_\_ in the Alamance County Register of Deeds office.

Section 2. Upon and after September 4, 2007, at 11:59 pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory may be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 4th day of September 2007.

The foregoing ordinance was seconded by Councilmember Jones, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Ross, Jones, Huffman, Starling and Wall.

STAFF REPORT:

ITEM 3: GANG AWARENESS - CHIEF M. I. WILLIAMS

Mayor Ross announced that Chief of Police Mike Williams and the Burlington Police Department Gang Investigations Unit would give a report on gang awareness in Burlington.

Chief Williams introduced members of the Gang Investigations Unit and the Crime Abatement Team. He pointed out that the approach was three-pronged - prevention, intervention and suppression.

Private First Class Russell Henderson presented information on local gangs. He explained that in 2006, the Burlington Police Department received a grant from the NC Governor's Crime Commission to form and operate a Gang Investigations Unit and that the grant provided funding for one intelligence/program officer, training and equipment. He said that in July 2007 the grant provided funding an additional gang investigator to focus on enforcement. He said that program officers have worked to develop a gang response protocol for the Burlington Police Department, offered training for Police Department personnel, and offered educational programs to the community. He reviewed gang response protocol goals and community programs. PFC Henderson concluded by stating that the Gang Investigations Unit members continue to evaluate and implement best techniques and practices, educate the public and law enforcement personnel and partner with the Community Crime Abatement Team to balance suppression and enforcement actions with prevention and intervention measures.

Councilmember Jones suggested sending out gang awareness brochures with the utility bills.

Councilmember Wall suggested posting the gang awareness information on the City's website.

PUBLIC COMMENT PERIOD:

There was no public comment.

**ADJOURN:**

Upon motion by Councilmember Starling, seconded by Councilmember Jones, it was resolved unanimously to adjourn.

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Jondeen D. Terry  
City Clerk